

REMARKS/ARGUMENTS

The foregoing amendment and the remarks which follow are responsive to the office action dated November 26, 2004. In the office action, claims 1, 10 and 11 were rejected under the first paragraph of 35 U.S.C. §112 on grounds that the claimed subject matter is not sufficiently enabled by the written description. Also in the office action, claims 1, 10 and 11 were rejected under the second paragraph of 35 U.S.C. §112 on grounds of indefiniteness. Additionally, claim 1 was objected to on grounds of a purported "grammatical error." No art based rejection was stated with respect to any claim.

35 U.S.C. §112 First Paragraph

Applicant respectfully traverses the rejection stated under the first paragraph of 35 U.S.C. §112 on grounds that the written description is, indeed, fully enabling of the claims that are currently being prosecuted in this application.

As long as the specification discloses at least one method for making and using the claimed invention that bears a reasonable correlation to the entire scope of the claim, then the enablement requirement of Section 112 is satisfied. *In re Fisher*, 427 F.2d 833, 839, 166 USPQ 18, 24 (CCPA 1970). Failure to disclose other methods by which the claimed invention may be made does not render a claim invalid under Section 112. *Spectra-Physics, Inc. v. Coherent, Inc.* 827 F.2d 1524, 1533, 3 USPQ2d 1737, 1743 (Fed. Cir.), *cert. denied*, 484 U.S. 954 (1987).

It must be noted that Claims 1, 10 and 11 are directed to compositions of matter, not methods. Furthermore, the specification includes a complete and detailed description of what each claimed composition of matter is. In fact, the application contains a specific chemical formula that defines the claimed compositions of matter down to the individual atoms that make up those compounds (see, page 4 and claim 1). Additionally, the specification clearly describes the starting materials, reagents and synthetic methodology that may be used to make the claimed compounds. (see, for example, page 8, line 16 through page 9, line 15;

page 17 line 29 through page 25, line 3; Figure 5). Furthermore, the specification contains clear and enabling disclosure of numerous uses for the claimed compositions of matter including therapeutic applications as well as use of the compounds in “experimental and developmental procedures.” At the time this application was filed, those of skill in the art possessed sufficient knowledge of beta sheet interactions of proteins to fully understand and use the claimed compounds for the therapeutic and or laboratory applications described in the application without undue experimentation. For example, Applicant calls the Examiner’s attention to United States Patent No. 5,618,914 (Kahn) filed in 1995 and 6,020,331(Kahn) filed in 1998. Additional citations to textbooks and other publication will be provided at the Examiner’s request. Thus, the level of knowledge in the art at the time of the filing of this patent application was clearly sufficient to enable the skilled artisans to understand the utility of the claimed compositions of matter.

Thus, reconsideration and withdrawal of the rejection under the first paragraph of 35 U.S.C. §112 is requested.

35 U.S.C. §112 Second Paragraph

Claims 1, 10 and 11 are rejected in part on grounds that the recitation of a “composition” in the preamble of claim 1 is incorrect because a “composition”... “must contain at least two compounds.” Applicant respectfully disagrees. Attached hereto is a copy of a dictionary definition of the word “composition” indicating that one of its definitions is “the product of composing: compound.” Moreover, 35 U.S.C. §101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Clearly, 35 U.S.C. §101 contains no mention of the word “compound,” yet many United States patents have issued containing claims that are directed to one or more chemical compounds. Obviously, this is because chemical compounds *are* compositions of matter within the meaning of 35 U.S.C §101.

Additionally, claim 1 has been amended to recite a “composition of matter comprising a compound having the general formula...” This amendment renders the stated ground for rejection moot.

Also, in the office action, other grounds for rejection were raised in relation to specific limitations and language recited in claims 1 and 10. Applicant has amended claims 1 and 10 to eliminate each of those stated grounds for rejection under 35 U.S.C. §112, second paragraph.

Accordingly, all claims 1, 10 and 11 are believed to now comply with the definiteness requirements of 35 U.S.C 112, second paragraph. Reconsideration and withdrawal of the stated rejection is requested.

Objection to Claim 1

By the present amendment, the word “have” in line one of claim 1 has been changed to “having,” thereby overcoming the stated objection.

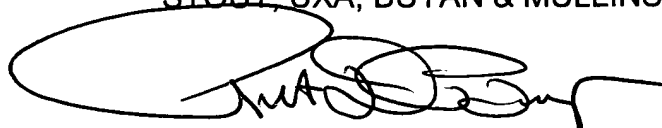
Conclusion

As amended, claims 1, 10 and 11 are believed to be in condition for allowance. Issuance of a notice of allowance is earnestly solicited. The examiner is invited to

contact Applicant's undersigned counsel to discuss any further measures that may be taken to facilitate prompt allowance of this applications.

Respectfully submitted,
STOUT, LXA, BUYAN & MULLINS, LLP

Date: April 26, 2005



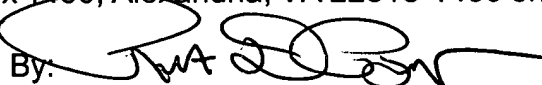
Robert D. Buyan, Reg. No. 32,460

4 Venture, Suite 300
Irvine, California 92618
voice: 949/450-1750
facsimile: 949/450-1764

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on April 26, 2005.

Dated: April 26, 2005



By: Robert D. Buyan, Reg. No. 32, 460